

**Plaintiff
Jackie Fisher's**

**Response in Opposition
to Defendants'**

**Motion for
Summary
Judgment**

EXHIBIT

54



Board of Nurse Examiners For the State of Texas

Location Address: William P. Hobby Building, Ste. 3-460, 333 Guadalupe Street, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 Web: www.bnet.state.tx.us

Katherine A. Thomas, MN, RN
Executive Director

October 18, 2005

Certified Mail No. 7002 0860 0007 8857 7818

Return Receipt Requested

Jacklyn Lynette Fisher
1150 FM 2296 Road
Huntsville, Texas 77340

Dear Ms. Fisher:

We have reviewed information regarding allegations of violations of the Nursing Practice Act of the State of Texas. You are being provided notice that we are currently investigating the alleged facts or conduct specified below:

1. On or about August 19, 2004, while employed as a Cluster Nurse Manager with The University of Texas Medical Branch, Correctional Managed Care, Huntsville, Texas, and providing care to Inmate Number 695377, who had placed a sheet around his neck, you failed to accurately and completely assess the inmate when the inmate refused to be transferred to a psychiatric facility for immediate evaluation as ordered by the physician. You were on call and performed an assessment by telephone, and documented the inmate had a history of suicide attempts and denied intentions to kill himself. You instructed the security staff to have the inmate sign a refusal of treatment. The inmate was evaluated by the mental health staff on or about August 20, 2004, and was determined to be at a low imminent risk for a potential lethal suicide attempt. The inmate was found dead in his cell from hanging on August 27, 2004.
2. On or about August 19, 2004, while employed as a Cluster Nurse Manager with The University of Texas Medical Branch, Correctional Managed Care, Huntsville, Texas, and providing care to the aforementioned inmate, you failed to notify the physician of the inmate's refusal to be transferred to a psychiatric facility for immediate evaluation and Crisis Management as the physician had ordered.
3. On or about August 19, 2004, while employed as a Cluster Nurse Manager with The University of Texas Medical Branch, Correctional Managed Care, Huntsville, Texas, and providing care to the aforementioned inmate, you failed to ensure the inmate received close supervision once the inmate refused to be transferred to a psychiatric facility for immediate evaluation and Crisis Management, as ordered by the physician. The inmate was found dead in his cell from hanging on August 27, 2004.

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In lieu of a formal disciplinary hearing, you are scheduled to appear at an informal conference at the Board's office on December 20, 2005. Your conference is scheduled for the 1:00 p.m. docket call. Docket sign-in sheets will be made available not more than one (1) hour before each docket call, and the order in which conferences are held will be based on the docket sign-in time. Our street address is the William P. Hobby Building, Tower 3, 333 Guadalupe, Suite 460, Austin, Texas, 78701. Enclosed is an informal conference information sheet. Please review this information.

Members of the Board

Joyce Adams, PhD, RN Houston	Deborah Bell, CLU, ChFC Abilene	George Buckman, Jr., ESN, RN, MBA Amarillo	Virginia Campbell, ESN, RN, CNOR Mesquite	Blanca Rosa Garcia, PhD, RN Corpus Christi
Richard Gibbs, LVN Mesquite	Rachel Gomez, LVN Hartington	Brenda Jackson, PhD, RN San Antonio	Beverly Jean Nutall, LVN Bryan	
Anita Palmer, ME, MA Odessa	Phyllis Rawley, CPC Vice-President	Linda Rausch, PhD, FNP, RN President	Frank Sandoval, Jr., J.D. San Antonio	

Due to security concerns, purses, briefcases, backpacks, etc., will not be allowed into the conference room. (Attorneys are exempt from this measure). Please make prior arrangements for the safekeeping of your personal belongings, as the Board will not be responsible for these items.

When you receive this letter, please send me a copy of your resume which includes your complete work history as a nurse, as well as all nursing educational experience which led to your receiving your nursing degree. Please include the complete address of the facility at which you are currently working.

Please contact me at (512)305-6831 at your earliest convenience to confirm your appearance and to clarify any questions you may have. If you do not confirm your appearance within fifteen (15) days of the date of this letter, it will be assumed that you do not plan to appear. Your name will be removed from the docket and this office will proceed with filing formal charges.

Sincerely,

A handwritten signature in black ink that reads "Kim L. Williamson, RN". The signature is written in a cursive, flowing style.

Kim L. Williamson, RN
Investigator

KLW/klw

Enc: Procedures for Informal Conference

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